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14
15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION
17

18 HOLLY GEHL, et al others similarly
19 situated,

20 Plaintiffs,

21 vs.

22 BLOOMIN' BRANDS, INC., et al.,

23 Defendants.
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Case No. 4:13-cv-05961-KAW

[Judge Kandis A. Westmore]

**JOINT STIPULATION TO
CONTINUE BRIEFING SCHEDULE;
ORDER**

1 Plaintiffs and defendants T-Bird Restaurant Group, Inc. and T-Bird Nevada,
2 LLC (collectively, the “T-Bird Defendants”), through their attorneys of record,
3 hereby stipulate and agree as follows:

4 WHEREAS, this action is a putative class action brought by the named
5 plaintiffs on behalf of themselves and all current and former hourly, non-exempt
6 employees employed by the T-Bird Defendants at an “Outback Steakhouse”
7 Restaurant in California, at any time during the statutory time period;

8 WHEREAS, on August 25, 2014, this Court issued an Order requiring the
9 T-Bird Defendants to provide the contact information for all non-exempt employees
10 who have worked at any CALIFORNIA OUTBACK STEAKHOUSE
11 RESTAURANT from November 8, 2010, until the present time, to a third-party
12 administrator to be agreed-upon by the parties (“TPA”), and ordered that such
13 information be provided to the TPA by September 5, 2014;

14 WHEREAS, the Court ordered the TPA to send a mailing out to the non-
15 exempt employees identified by the T-Bird Defendants within ten days of receipt of
16 that information by the TPA;

17 WHEREAS, after taking into account the time deadlines set by the Court’s
18 August 25, 2014 Order, at the August 26, 2014 Case Management Conference the
19 Court set the following briefing and hearing schedule for a motion for class action
20 certification: Motion for Class Certification to be filed by January 5, 2015;
21 Opposition to be filed by February 17, 2015; Reply to be filed by March 3, 2015;
22 and Motion hearing set for March 19, 2015;

23 WHEREAS, the T-Bird Defendants provided the information required by the
24 Court’s August 25, 2014 order to the TPA on September 5, 2014, with the result that
25 the TPA was required to send out the mailing by September 15, 2014;

26 WHEREAS, there was a delay in the TPA sending out the required mailings,
27 which were not sent out until October 7, 2014 as a result;

1 WHEREAS, in light of the delay, Plaintiffs and T-Bird Defendants have
 2 agreed to continue the briefing schedule established at the August 26, 2014, case
 3 management conference by 22 days (the length of the TPA's delay), to provide
 4 plaintiffs the same amount of time to prepare and file the motion for class
 5 certification as was originally contemplated by the Court.

6 THEREFORE, IN LIGHT OF THE FOREGOING, PLAINTIFFS AND THE
 7 T-BIRD DEFENDANTS HEREBY STIPULATE AND AGREE THAT:

8 Plaintiff's motion for class certification shall be filed on or before January 27,
 9 2015; the opposition to the motion shall be filed on or before March 11, 2015; the
 10 reply in support of the motion shall be filed on or before March 25, 2015; and the
 11 hearing date shall be continued to a date convenient for the Court on or after April
 12 10, 2015.

13
 14 IT IS SO STIPULATED

15 DATED: October 10, 2014

WOLF, RIFKIN, SHAPIRO,
 SCHULMAN & RABKIN, LLP

17 By: /s/ Eric Levinrad
 18 ERIC LEVINRAD
 19 Attorneys for Plaintiffs

20 DATED: October 10, 2014

LATHROP & GAGE, LLP

22 By: /s/ Allison Wallin
 23 BETH SCHROEDER
 24 LAUREN KATUNICH
 25 ALLISON WALLIN (Admitted *Pro Hac Vice*)
 26 Attorneys for Defendants T-BIRD RESTAURANT
 27 GROUP, INC. and T-BIRD NEVADA, LLC
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ORDER

In light of the stipulation by and between Plaintiffs and the T-Bird Defendants, and for good cause shown, IT IS HEREBY ORDERED THAT:

1. The dates previously set for the briefing of Plaintiff's motion for class certification is extended as follows:

a. Plaintiffs' Motion for class certification shall be filed on or before January 27, 2015;

b. Defendants' Opposition to motion for class certification to be filed on or before March 11, 2015; and

c. Plaintiffs' reply in support of motion for class certification to be filed on or before March 25, 2015.

2. The hearing on Plaintiff's motion for class certification is continued from March 19, 2015 to **May 7, 2015**.

Dated: October 15, 2014



HON. KANDIS A. WESTMORE
UNITED STATES MAGISTRATE JUDGE